IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2097 OF 2006

IN

FIRST APPEAL (ST) NO. 8586 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Mr. C.M. Lokesh for the applicants.
A.S. Tambekar for the respondents.

CORAM: S.B. DESHMUKH, J.

October 16, 2006.

P.C. :

1. Heard the learned counsel for the applicant Mr. Lokesh and for respondent no.1. None appears for respondent no.2 since notice is not issued to the respondent no.2.

2. I have also perused the earlier order passed by this court dated

4.8.2006, directing the impleadment of Opponent no.2 i.e. "K.S.R.T.C. Self Insurance Scheme, Bangalore" as party respondent no.2.

3. The learned counsel for the applicant has tendered xerox copy of the communication addressed by Additional Controller, North-West, Karnataka Road Transport Corporation, Chikhodi dated August 31, 2006. The zerox copy of the said communication is taken on record and marked by letter 'X'. Advocate Mr. Lokesh is informed by the Division Controller NWKSRTC, Chikhodi that 'K.S.R.T.C. Self Insurance Scheme is an internal arrangement within the Corporation and does not have separate legal status. There is no legal defect in not impleading the Insurance Scheme as appellant. Apart from the written communication, Mr. Lokesh, learned

Counsel has referred to sub-section 2 of Section 146 of the Motor Vehicle Act, 1988. Sub-section 2 refers to exemption under sub-section 1 of Section 146 to any vehicle owned by the Central Government or the State Government. The learned counsel for the respondent, submits that respondent no.1 i.e. KSRTC Self Insurance Scheme, Bangalore was Opponent no.2 in Motor Accidents Claim Petition No. 8 of 2001 and the Learned Tribunal held the Original Opponent no.1 and 2 jointly and severally liable and responsible for payment of compensation.

4. Undisputedly, the vehicle in question, was a bus owned by NWKSRTC. The communication refers the status of respondent no.2 KSRTC Self Insurance Scheme is an internal arrangement within the Corporation.

It is also made clear in the communication, that such corporation does not have separate legal status. The applicant NWKRTC, Chikhodi is not disowning the liability and responsible for payment of compensation. Considering the submissions of the learned counsel for the applicant and in view of the provisions laid down under sub-section 2 of Section 146, in my view, even if respondent no.2 is not served with the notice of this application, this application can be considered for final disposal.

5. The applicant, by this application, is seeking condonation of 153 days delay occurred in filing the First Appeal in this court. Delay is explained in paragraph 2 and 3 of the Civil Application. There is no reply filed on behalf of the

respondents controverting the statement made in paragraph no.2 and 3. The status of the applicant as a Corporation is also an undisputed fact. In this view of the matter, delay is properly explained and bonafide. In the result, delay of about 153 days caused in filing of the First Appeal is condoned. Civil Application is accordingly allowed and disposed off.

SD/-

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2098 OF 2006

IN

FIRST APPEAL (ST)NO. 8586 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Mr. C.M. Lokesh for the applicants.
A.S. Tambekar for the respondents.

CORAM: S.B. DESHMUKH, J.

October 16, 2006.

P.C. :

1. Heard the learned counsel for the parties.

2. Perused the order passed by this court on April 28, 2006.

Learned Counsel Mr. Lokesh for the applicant, submits, that as per the order passed by this court an amount of Rs.45,000/- is deposited in the trial court by the applicant. Statement made is accepted and taken on record.

3. In this view of the matter, Civil Application is allowed in terms of the order passed by this court on April 28, 2006 and disposed off.

4. Liberty in favour of the applicant to move this court for seeking permission to withdraw the remaining amount in case of urgency.

(JUDGE)